రిజిష్టర్డు నెం. ఎ-118




# గుంటూరు జిల్లా రాజపత్రము

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అధికారమువలన ప్రచురించబడినది.

నెం. 3(1) గుంటూరు, 2012వ సంవత్సరము, మార్చి నెల, 3వ తేది, శనివారము

Copy of :-

PROCEEDINGS OF THE COLLECTOR & DISTRICT MAGISTRATE, GUNTUR
Present : SRI V.N. VISHNU, I.A.S.,

[Procdgs. Rc.No. 209/07/C4, Dated : 4-02-2012]

Sub : CASTE VERIFICATION - Guntur District - Guntur Mandal and Town - Enquiry conducted by the District Level Scrutiny Committee of the verification of caste certificate of Smt. Chadalavada Venkata Ramani, D/o Satyanarayana - Cancellation of "YERUKULA - ST" Caste certificate - Orders - Issued.

Read :
1. Lr. No. HR/S/28-1543, dated 5-2-2007 from the Deputy General Manager, State Bank of India , Personnel & HRD Section, Hyderabad. Zonal Office beside Head Post Office, Secunderabad.
2. This office Rc. 209/07/C4, dated 8-2-07, 24-2-07 and 11-5-07 addressed to the Revenue Divisional Officer, Guntur.
3. Rc. 2676/06/C, dated 8-10-2007 of the Tahsildar, Guntur.
4. FINDINGS of the District Level Scrutiny Committee, dated 2-4-2008.
5. Representation of Smt. Chadalavada Venkata Ramani, dated 26-5-2009.
6. This office Rc. 209/07/C4, dated 7-9-09.
7. Representation of Smt. Chadalavada Venkata Ramani, dated 1-12-2009.
8. Other connected papers.

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ORDER :

The State Bank of Hyderabad has requested to verify the caste certificate of Smt. Chadalavada Venkata Ramani, D/o Satyanarayana rersident of Guntur Town and Mandal who got employment in State

Bank of India by claiming that she belongs to Yerukula (ST) Scheduled Tribe category, and also requested to verify the social status of the individual and authenticity of caste certificate issued by the then Mandal Revenue Officer, Guntur.

The Tahsildar, Guntur has reported in Rc. No. 2676/06/C, dated 8-10-2007 that Smt. Chadalavada Venkata Ramani, D/o Ch. Satyanarayana caste certificate was issued during the year 1987 and the certificate issued was not a permanent one. It is only a temporary certificate and office records of the certificate issued in the year 1987 are not available in their office. Hence it could not be confirmed about the authenticity of the issue of the certificate from their office. The MRI, Guntur Rural has enquired into the matter and submitted his report. In this report the MRI stated that no person relating to Smt. Chadalavada Venkata Ramani to whom the caste certificate issued, is residing in the address referred in the letter dated 28-12-2006. The Mandal Revenue Inspector further reported that when enquired with the nearby residents, it is revealed that ten years back the family of C. V. Ramani resided in Sarada Colony and ran a private School and left the area and no relatives are there at present. The MRI has also stated that Smt. C. V. Ramani met the MRI and gave a statement. In her statement she stated that her father Sri Chadalavada Satyanarayana who belongs to Surya Balija by caste (Backward Class) got married with Lakshmi and they were blessed with two female children and one male child; after that Smt. Lakshmi expired. After expiry of Smt. Lakshmi, her father remarried her mother Smt. Sarada Devi @ Appala Narasamma who belongs to ST-Yerukula by caste during the year 1960. Smt. C. V. Ramani studied upto degree i.e., B.Sc. on the strength of Suryabalija caste. She studied PG with her mother caste ST -Yerukula and also got job with the caste of ST-Yerukula.

The Tahsildar, Guntur has further submitted that in the certificate of SSLC of Smt. Sarada Devi it was mentioned that she belongs to Yerukula. Smt. C. V. Ramani has studied M. Sc., in Andhra University, Visakhapatnam during the year 1983-85 and she was admitted in the hostel under ST category. It is further submitted that the caste of the father of Smt. C. V. Ramani, Sri Satyanarayana is not "Konda Kapu" as stated in the petition filed by Sri Venkatesh, Vanastalipuram of Hyderabad and he belongs to Surya Baliji by caste (Backward Class). In view of the above it is clearly evident that the individual got the ST certificate intentionally to get the benefit in ST quota both in education and in job. Thus person who belongs to actual ST Community has lost his opportunity both in University as well as in job. The Tahsildar, Guntur has requested that the case may be placed before the District Level Scrutiny Committee. The Collector instructed to place the matter before DLSC.

The DLSC meeting was held on 11-3-2008.

Smt. Chadalavada Venkata Ramani attended the meeting on 11-3-2008 and the statement was recorded from her.

She is working as Manager, Bank operations in SBI Branch, Charminar. She joined duty on 1st March, 1988. Her father married her mother name Appala Narasamma @ Sarada Devi after his first wife named Lakshmi died. His first wife had three children and were married and living separately.

Her father belongs to Surya Balija caste (BC-D) S.No. 14 and his native place is Guntur. Her father's parents lived in Tenali. Her father first wife's children are continuing as (BC-D).

Her mother Smt. Katta Appala Narasamma @ Sarada Devi's native place is Visakhapatnam. Her date of birth is 1-3-1946. She appeared SSLC, privately through Z.P.H.S. Kakumanu. Her married happened approximately in 1960. Her mother belongs to Yerukula (ST) and photostat copies of the SSLC certificate were submitted. She is the only one daughter to her mother. She was born in Kakumanu and h er date of birth is 1-7-1962 as per school records, but she was actually born on 28-10-1964. Her

father Chadalavada Satyanarayana worked in Z. P., Guntur and retired in 1983 and died in 1999. Her father is resided in Sarada Colony Guntur for his children's educational purpose.

She further stated that though her mother belongs to Yerukula (ST) caste, the individual did not know Yerukula language. Her marriage was performed with Mumbai Satyanarayana who belongs to Surya Balija in 1989. She had no children. Her husband left her and was living separately. She did not know his whereabouts. She is living with her mother who is mentally disturbed and bedridden and her mother had a brother, who was physically handicapped and died without marriage. Her grand-mother, Kondamma died. As she was living in Pune, Bombay in SBI Branch from 1988, she did not know their family details clearly. She studied VI to Xth Classes in Kasu Sivamma High School, Guntur and Inter, Degree in women's college, Guntur and P.G.in Waltair. Her caste was not mentioned anywhere.

She also stated that as per GO Ms. No. 371, dated 13-4-1976, she obtained the ST caste certificate and she joined in SBI as clerk - cum - cashier in 1988 in ST quota since the GO has facility if their parents had inter caste marriage. Her father did not have any movable or immovable properties. After his death her mother is getting family pension. She opined that her mother's husband name was recorded in the school records instead of father's name since the parents of her mother were uneducated. She did not know anything about her primary education.

She produced her mother's Secondary School Leaving Certificate.

Smt. Ch. V. Ramani has put in a representation dated 11-3-2008 reiterating the above contents stating that during 1976 the Government have issued GO i.e., G. O. Ms. No. 371 Employment & Social Welfare (B2) Department, dated 13-4-1976 which stated that "Where a child of inter caste marriage can be treated as belong to scheduled caste, scheduled Tribe or Backward Classes in accordance with those guidelines, the child is eligible for reservation in services etc., allowed for the caste" and also stated as "for the purpose of admissions into Educational Institutions and professional Colleges how ever the Government direct the lower caste of either parent of inter caste marriage shall be deemed to be the caste of the child and it shall be eligible for the reservation of the seats made for the caste". She studied up to Graduation Level (B.Sc.) without availing any reservation under any category. Consequent on the issue of G. O. Ms. No. 371 Employment & Social Welfare (B2) Department, dated 13-4-1976, she availed the reservation under Scheduled Tribe Category and completed her post Graduation at Andhra University. The copies of the G.O. 2[nd] cited and certificate issued by the Andhra University authorities are enclosed. She further stated that she obtained caste certificate during 1986 and 1988 from the Mandal Revenue Officer, Guntur and the copies of certificate are enclosed. At that time both the certificates are temporarly issued, as there is no practice of issuing a permanent certificate at that time consequent on the issue of G.O.3rd cited during 1997, in which the guide lines for the issue of Permanent Certificate were issued, in which, it was clearly mentioned at Para No. 21 of the Gazette that the Community certificate issued by the competent authority prior to the commencement of these rules should be treated as valid certificate. She submitted that she availed reservation under Scheduled Tribe category as per the G. O. Ms. No. 371 Employment & Social Welfare (B2) Department, dated 13-4-1976 and that the allegation leveled against her is not true as she belong to Yerukula Community but not Konda Kapus as alleged and the rest of the family belongs to Surya Balija but not Kapu as alleged. She submitted that she had been working since 20 years and the allegation leveled against her may be dropped as she belongs to Yerukula Community but not Konda Kapu as alleged and the rest of family belongs to Surya Balija.

The District Tribal Welfare Officer, Guntur has submitted a report in Rc. No. T2/255/2008, dated 15-11-2008 as per the instructions of the Joint Collector & Chairman of DLSC that the Assistant Tribal Welfare Officer, Guntur has conducted a detailed enquiry and reported that no colleagues of Sri Satyanarayana were availble in Kakumanu as they left the area long back and no relatives are there at present. Smt. Chadalavada Sarada Devi @ Katta Appala Narasamma, W/o late Sri Chadalavada

Satyanarayana has given her statement that she is 62 years old. Her husband died on 1999. She belongs to Yerukuala by caste and her parents were Katta Pitchaiah, and Kondamma, residents of Visakahpatnam. At her 10 years of age, her father Katta Pitchaiah died then they came to Kakumanu (M) and resided in the house of Satyanarayana as helper. At that time, Sri Ch. Satyanarayana was already married and had 3 children and his wife's name was Lakshmi. After expiry of Smt. Lakshmi, her father remarried her, Chadalavada Sarada Devi @ Katta Appala Narasamma, who belongs to Yerukula (ST) and during the year 1960 Smt. C. V. Ramani studied P.G. with her mother's caste ST Yerukula, and also got job with the caste of ST Yerukula. The Head master, Z.P. H. School, Kakumanu, Guntur District has issued the service particulars of Sri Ch. Satyanarayana, father of Ch. V. Ramani that he worked as the School Asstistant as LDC from 1957 to 1991 as per the School records. The Panchayat Secretary stated that when verified certain Birth Registers of Kakumanu (V) pertinent to 1961, 1962, 1963 and 1964 years of Kakumanu Mandal, it is noticed that there is no recorded evidence of the birth of C. V. Ramani in their office. When enquired with the elders of that village, they informed that Smt. Ch. Sarada Devi, mother of Ch. V. Ramani resided in a rental house, so her date of birth was not recorded in Birth and Death registrar office. The Tahsildar, Visakhapatnam issued caste certificate to Smt. Ch. Sarada Devi as ST Yerukula in Kakumanu Mandal there are no proper evidence available to confirm the caste of Smt. C. V. Ramani except self declaration and Tahsildar's caste certificate of Smt. Ch. Sarada Devi, W/o late Ch. Satyanarayana as their relatives are in Visakhapatnam. C. V. Ramani is continuously quoting G. O. Ms. No. 371 Employment & Social Welfare (B2) Department, dated 13-4-1976 and that she is eligible for reservation in services as ST as she was born to an inter caste couple of which the wife is ST member.

G. O. Ms. No. 371 Employment & Social Welfare (B2) Department, dated 13-4-1976 says the question whether statutory concessions like reservations in services and education institutions may be extended to the children of the inter-caste married couples has been examined by the Government. No statutory concessions can be given to the children of the inter-caste married couples as such. But where either parent belongs to Scheduled Castes, Scheduled Tribes or Backward Classes and if the child can be declared as belonging to the caste of either parent they will be eligible for the concessions allowed to the persons of the caste. The guidelines for determining the caste of the child of inter-caste married couples are laid down by the Government of India in their letter No. 39/37/73-SCT, I Ministry of Home Affairs dated 4th March, 1975, a copy of which is appended. It is necessary to examine each case with reference to these guidelines and where a child of inter-caste marriage can be treated as belonging to Scheduled Castes, Scheduled Tribe or Backward Class in accordance with those guidelines, the child is eligible for reservation in services etc., allowed for that caste.

As per the above guidelines of the Government of India Annexure-II, Legal views on the status of the offspring born out of wedlock between a couple one of whom is a member of Scheduled Tirbe Community, para 4 says that in the case of marriage between a tribal with a non-tribal, the main fact or consideration is whether the couple were accepted by the society to which the tribal spouse belongs. If he or she, as the case may be, is accepted by the Society then their children shall be deemed to be Scheduled Tribes. But this situation can normally happen when the husband is a member of the Scheduled Tribes. However circumstances may be there when a Scheduled Tribe woman may have children from marriage with a non - Scheduled Tribe man. In that event the children may be treated as Scheduled Tribes only if the members of the Scheduled Tribe Community accept them and treat them as members of their own community.

"The caste - status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry".

Para 5" As mentioned above, it is the recognition and acceptance by the society of the children born out of a marriage between a member of Scheduled Tribe with an outsider, which is the main determin-

ing factor irrespective of whether the Tribe is matriarchal or patriarchal. The final result will always depend on whether the child was accepted as a member of the Scheduled Tribe or not.

As per Circular Memo No. 10956/CV.I/97-2, dated 16-2-1998, para III Children of the Inter - caste Marriages says that the G. O. Ms. No. 371, Social Welfare Department, dated 13-4-1976 laid down the norms required to be followed while issuing community certificates to the children born to the inter - caste married couples. These instructions are reiterated with a modification that the off-spring of such couples cannot automatically claim the social status of the parent belonging to Scheduled Caste / Scheduled Tribe but the Competent Authority must satisfy himself that the child has been accepted by the Scheduled Caste/Scheduled Tribes as member of their community and has been brought up in that surroundings.

Observing from the above G. O. and guidelines of the Government of India State Government, it is pertinent to note that the determination of caste of the children of intercaste couple mainly depends on the acceptability and brought up of the children in the claimed community and not mere claim of the caste of one of the parent entitle them to belong to that caste.

Smt. C. V. Ramani claimed ST status to enter into PG studies as per para II of the G. O. Ms. No. 371, Social Welfare Department, dated 13-4-1976 existing as on that date where as the same para II has been deleted vide G. O. Ms. No. 91, Social Welfare (CV) Department, dated 3-10-2007, and completed her PG by obtaining the caste certificate from the Mandal Revenue Officer, Guntur, dated 27-10-86 and dated 4-5-1987. But she is not eligible to enter into services claiming reservation under ST as she was brought up in her father's family belonging to BC (Surya Balija) without any relations with her mother's family and was also married to a person belonging to Surya Balija (BC) her father's caste; so her claim of ST could not be supported and she could not be considered as ST. Though her mother was issued a caste certificate as ST by the Mandal Revenue Officer, Visakhapatnam, no ST relative of her mother came forward to adduce proof on her behalf.

In view of the above observations and after perusing the entire record, the DLSC opined that Smt. Ch. V. Ramani does not belong to ST and the ST caste certificate issued to her by the Mandal Revenue Officer, Guntur, dated 27-10-1986, 4-5-87 and 26-2-88 need to be cancelled, and the facts may be reported to the authorities of State Bank of India in which she is working at present under ST category.

Agreeing with the finding of the DLSC a final notice was issued by the Collector why the Yerukula (ST) Caste certificates issued to Smt. Chadalavada Venkata Ramani on 27-10-1986, 4-5-1987 and 26-2-1988 should not be cancelled.

Smt. Chadalavada Venkata Ramani has put in a representation stating that she is the only daughter of her parents namely Chadalawada Satyanarayana and Katta Appala Narasamma @ Sarada Devi. Her mother belongs to Yerukula (ST) native of Visakhapatnam. Her mother informed that during her childhood i.e., at the age of 10 years she came down to Guntur. her mother and physically handicapped brother remained at Visakhapatnam, thereafter she got married to Chadalavada Satyanarayana who belongs to Surya Balija (BC). Her father's first wife had 3 children who are continuing as Surya Balija (BC). After the death of his first wife, he married Chadalavada Venkata Ramani's mother as second wife. The caste certificate issued by the Tahsildar, Visakhapatnam shows that her mother Sarada Devi belongs to Yerukula (ST).

During her childhood when she was a minor, without her knowledge her caste was shown as Surya Balija in her School records. Her mother along with her used to visit her relatives at Visakhapatnam during her childhood and her mother's relatives also used to visit her and her mother at Kakumanu and

Guntur, thus she came to known that the relatives and family members of her mother belongs to Yerukula (ST) and she was completely owned as caste member by her mother's relatives. Her father, though married her mother used to visit and live with her mother in seldom and he used to stay much time with children of his first wife. She was admitted in School at Guntur, she used to study well, but it was not possible for her to learn fluent Yerukula language. Her mother only used to speak that language. She knew about her mother's community and its benefits and about the Hon'ble Government of Andhra Pradesh Orders in G. O. Ms. No. 371, Employment and Social Welfare (B2) Department, dated 13-4-1976 which speak that "for the purpose of admission into Educational Institutions and Professional Colleges, however the Government direct the lower caste of either parents in the inter caste marriage shall be eligible for the reservation of the seats made for the caste".

She applied for her postgraduate studies in M. Sc. Botany at College of Science and Techonology, Andhra University campus, Visakhapatnam under the quota of ST category as her mother's community is lower caste to that of her father's community. She was issued a caste certificate as per the norms that she belonging to Scheduled Tribe Yerukula Community. Smt. Chadalavada Venkata Ramani further stated that the Government and Constitution is to see that the down trodden caste people shall come up with the upper caste community people in education, employment and in other welfare aspects, but not expected to live and to contine to live in same conditions or in the some areas as to that of organization of their own caste and community. The policy is to encourage and to uplift the down trodden caste community people and it never opposes in case if such people come up on par with upper community utilizing the benefits provided by the constitution and in turn the Government.

Finally, she requested to kindly consider the above stated facts and circumstances and retain her caste certificate and drop further proceedings and pass such necessary orders in the interest of justice.

The individual submitted the above facts in reply to the notice issued to her after the DLSC gave its opinion to cancel the Yerukula (ST) caste certificates issued by the then Mandal Revenue Officer, Guntur dated 27-10-1986, 4-5-1987 and 26-2-1988.

Further the individual requested to grant at least 2 months of time to adduce further evidences so as to prove her caste as to be genuine and the same was granted by the Collector. She has not given any explanation since 1 year 7 months.

After going through the entire record and explanation offered by the individual, it is very much clear that (1) No statutory concessions can be given to children of the inter-caste married couples as such (2) the individual is not eligible to enter into services claiming reservation under ST as she was brought up in her father's family belonging to BC (Surya Balija) without any relations with her mother's family, it was concluded that the recommendations of the D. L. S. C. on cancellation of the "YERUKULA" certificate (ST) issued by the Mandal Revenue Officer, Guntur, dated 27-10-1986, 4-5-1987 and 26-2-1988 to Smt. C. V. Ramani held proved.

In view of the above I, V.N. Vishnu, I.A.S., Collector and District Magistrate, Guntur in exercise of the powers conferred by the Government under Section 5(1) of the A. P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 16 of 1993 read with Rule 9(7) of AP (SC, ST & BC) issue of Community, Nativity and Date of Birth Certificate Rules 1997, communicated vide G. O. Ms. No. 58, Social Welfare Department, dated 12-5-1997, hereby cancel the "YERUKULA" (ST) Certificate in respect of Smt. C. V. Ramani, D/o Satyanarayana issued by the Mandal Revenue Officer, Guntur, dated 27-10-1986, 4-5-1987 and 26-2-1988.

V.N. VISHNU,
Collector & District Magistrate,
Guntur.

# NOTIFICATION

In view of the recommendations of the District Level Scrutiny Committee and in exercise of the powers conferred by the Government under Section 5(1) of the A. P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 16 of 1993 read with Rule 9(7) of AP (SC, ST & BC) issue of Community, Nativity and Date of Birth Certificate Rules 1997, communicated vide G. O. Ms. No. 58, Social Welfare (J) Department, dated 12-5-1997, it is hereby declared that the "YERUKULA" (ST) caste certificate issued by the then Mandal Revenue Officer, Guntur, vide dated 27-10-1986, 4-5-1987 and 26-2-1988 to Smt. Chadalavada Venkata Ramani, D/o Satyanarayana of Guntur Town and Mandal are hereby cancelled as it could not be proved that she belongs to "YERUKULA-ST" caste.

V.N. VISHNU,
Collector & District Magistrate.

Guntur,
4th February, 2012.

[Rc. No. 209/07/C4.

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ముద్రణ కమీషనరుగారిచే ప్రభుత్వ ప్రాంతీయ ముద్రణాలయము, విజయవాడనందు ముద్రించబడి, జిల్లా కలెక్టరుగారిచే ప్రచురించబడినది.